

NO. 24169

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

ORIN S. JACKSON and DORIS M. J. JACKSON,  
Plaintiffs-Appellees, v. DANNY HARRIS JENKINS,  
Defendant-Appellant, and JOHN DOES 1-10, DOE  
PARTNERSHIPS 1-5, and DOE CORPORATIONS 1-5,  
Defendants

APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 90-3753)

MEMORANDUM OPINION

(By: Burns, C.J., Watanabe and Lim, JJ.)

Defendant-Appellant Danny Harris Jenkins (Jenkins)  
appeals from the circuit court's February 23, 2001 "Order Denying  
Defendant Danny Harris Jenkins' Motion to Vacate Judgment Filed  
on January 4, 2001" (February 23, 2001 Order). We affirm.

BACKGROUND

The relevant events occurred as follows.

Prior Appeal Nos. 16978 and 17456

February 5, 1993	In <u>Jackson v. Jenkins</u> , Civil No. 90-3753-11, First Circuit Court, State of Hawai'i, the jury presented its special verdict.
February 26, 1993	The court entered its Findings of Fact and Conclusions of Law.
March 1, 1993	The court entered its Judgment in Favor of Plaintiffs Orin S. Jackson and Doris M. J. Jackson Against Defendant Danny Harris Jenkins (March 1, 1993 Judgment).

February 11, 1997      In response to Jenkins' appeal in nos. 16978 and 17456, this court affirmed the March 1, 1993 Judgment.

Prior Appeal No. 18571

November 15, 1993      The circuit court entered an order granting a motion to dismiss the complaint filed in Jenkins v. Cades Schutte Fleming & Wright, Civil No. 93-3359-08, First Circuit Court, State of Hawai'i.

April 28, 1997          In response to Jenkins' appeal in no. 18571, this court affirmed the order.

Prior Appeal No. 19698

January 21, 1994      The circuit court entered an order granting a motion to dismiss the complaint filed in Jenkins v. Cades Schutte Fleming & Wright, Civil No. 93-3956-10, First Circuit Court, State of Hawai'i.

May 5, 1997            In response to Jenkins' appeal in no. 19698, this court affirmed the order.

This Appeal No. 24169

January 4, 2001        Jenkins filed a motion, pursuant to Hawai'i Rules of Civil Procedure Rule 60(b)(4), to vacate the March 1, 1993 Judgment.

February 23, 2001      The circuit court entered its order denying the motion.

March 23, 2001        Jenkins filed the notice of this appeal.

DISCUSSION

It has been concluded that a judgment is void when the court entering it acted in a manner inconsistent with due process of law. 11 Wright, Miller & Kane, Federal Practice and Procedure, Civil 2d § 2862 (1995).

In the First Amended Opening Brief, Jenkins presents the following four points on appeal:

1. POINT 1: the court below erred in denying the motion to vacate the Judgment because the trial court erred in permitting the jury to decide whether or not [Jenkins] was in breach of the Lease.

. . . . .

2. POINT 2: The court below erred in denying the motion to vacate the Judgment because the trial court erred in permitting the jury to decide whether or not there existed an oral contract to convey Parcel 10 for \$105,000. . . .<sup>1</sup>

. . . . .

3. POINT 3: The Court below erred in denying the motion to vacate the Judgment because the trial court erred by ignoring the jury's answer to special verdict interrogative 16 which was inconsistent with special verdict interrogatives 1, 2, and 3.

. . . . .

4. POINT 4: The court below erred in denying the motion to vacate the Judgment because the trial court erred in approving a form of deed for Parcels 9 and 10 that deleted any reference to the existing mortgages encumbering those properties.<sup>2</sup>

(Footnotes added.)

Jenkins contends that the March 1, 1993 Judgment is void because the errors alleged in his four points led to the March 1, 1993 Judgment, the errors alleged in his first three

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<sup>1</sup> Defendant-Appellant Danny Harris Jenkins (Jenkins) also argues that, as a matter of law, the acts claimed to have been done in part performance (placing a house on Parcel 9 and various agricultural activities) were insufficient to establish part performance. In appeal nos. 16978 and 17456, this court decided in its Summary Disposition Order No. 97-12, entered on February 11, 1997, in relevant part as follows: "2. There was substantial evidence to establish the existence of an oral contract for the sale of Parcel 10 for \$105,000."

<sup>2</sup> In Jenkins v. Cades Schutte Fleming & Wright, Civil No. 93-3359-08, First Circuit Court, State of Hawai'i, Jenkins sued Plaintiffs-Appellees Orin S. Jackson and Doris M. J. Jackson seeking to enforce his view of the March 1, 1993 Judgment. The trial court confirmed the conveyance of Parcels 9 and 10 free and clear. In appeal no. 18571, we summarily dismissed the appeal by Jenkins.

points violated Jenkins' right to due process, and the error alleged in his fourth point deprived the trial court of jurisdiction to convey parcels 9 and 10 to Plaintiffs-Appellees Orin S. Jackson and Doris M. J. Jackson (Jacksons) free and clear of the mortgage liens.

We conclude that (a) Jenkins has failed to show that the alleged errors were errors, and (b) any alleged errors that were errors (1) were not violations of Jenkins' right to due process of law and (2) did not deprive the trial court of jurisdiction to convey parcels 9 and 10 to the Jacksons free and clear of the mortgage liens.

#### CONCLUSION

Accordingly, we affirm the circuit court's February 23, 2001 "Order Denying Defendant Danny Harris Jenkins' Motion to Vacate Judgment Filed on January 4, 2001."

DATED: Honolulu, Hawai'i, July 18, 2002.

On the briefs:

Danny Harris Jenkins,  
Defendant-Appellant, *pro se*.

Chief Judge

Philip J. Leas and  
James H. Ashford (Cades,  
Schutte Fleming & Wright)  
for Plaintiffs-Appellees.

Associate Judge

Associate Judge